

REMARKS

2) As to claim 2, there is no description in document N (FP '615) regarding the feature of present claim 2 that "a radio frequency which communication was performed is saved and the radio frequency of the nonvolatile memory when the vehicle-mounted apparatus starts up is set to a first candidate".

As a preliminary matter, Applicant respectfully requests that the Examiner return an initialed PTO/SB/08 Form, which was filed along with an information disclosure statement on January 31, 2005.

Also, as a preliminary matter, the Examiner objects to claims 1 and 2 because, according to the Examiner, "radiocommunication" should be recited as "radio-communication". Applicant amends claims 1 and 2, as indicated herein, in accordance with the Examiner's suggestion.

Claims 1 and 2 are all the claims pending in the present application. The Examiner has withdrawn the previous rejections of claims 1 and 2 over Dwyer et al. (U.S. Patent No. 6,140,941). However, the Examiner now applies two new references to support the rejections of claims 1 and 2, respectively. Specifically, claim 1 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hassett (U.S. Patent No. 5,805,082). Claim 2 is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Japanese Patent Publication No. 2000-283797, hereinafter referred to as Yoshida.¹

§102(b) Rejection (Hassett) - Claim 1

With respect to independent claim 1, Applicant submits that Hassett does not teach or suggest at least, "said control microcomputer stores in said nonvolatile memory randomly generated communication registration identification data when communication is opened or when said apparatus starts up," as recited in independent claim 1. That is, the Examiner alleges that the T1 signal, as set forth in Hassett (see col. 12, lines 34-55), corresponds to the claimed

¹ The Examiner has provided a computer-generated English language translation of Yoshida.

randomly generated communication registration identification data. However, the T1 signal, and the data thereof, is clearly not randomly generated. The T1 signal represents identification data of a specific, previously established, toll facility, and is not randomly generated.

Further, the TI signal of Hassett is clearly different from the randomly generated communication registration identification data at least because said randomly generated communication registration identification data is stored in a nonvolatile memory that constitutes the narrow band communication vehicle-mounted apparatus. On the other hand, the T1 signal of Hassett is data received from a RF transmitter identifying a toll facility. *Col. 12, line 53 of Hassett.*

Therefore, at least because the above-quoted feature of claim 1 is not taught or suggested by Hassett, Applicant submits that independent claim 1 is patentably distinguishable over Hassett.

§ 102(e) Rejections (Yoshida) - Claim 2

With respect to independent claim 2, Applicant submits, contrary to the Examiner's assertion, that Yoshida does not teach or suggest at least, "said control microcomputer saves in said nonvolatile memory a radio frequency at which communication was performed" as recited in independent claim 2. The Examiner alleges that the recited operation of saving a radio frequency at which communication was performed is an inherent operation in Yoshida. In response, Applicant submits that the Examiner has apparently utilized impermissible hindsight reasoning in developing his "inherency" argument, as nowhere does Yoshida even mention the concept of saving in a nonvolatile memory a radio frequency at which communication was performed.

Further, Yoshida does not teach nor suggest at least that, "communication is performed selecting said radio frequency saved in said nonvolatile memory as a first candidate when said apparatus starts up," as recited in claim 2. Even the section cited by the Examiner indicates that Yoshida teaches performing a frequency search to determine the frequency at which an

electronic toll collection (ETC) is transmitting data to determine the frequency at which a mounted vessel 2 of a car is going to operate at. Contrary to the present invention, as recited in claim 2, nowhere does Yoshida teach or suggest performing communication by selecting said radio frequency saved in said nonvolatile memory as a first candidate. Yet further, even if, *arguendo*, Yoshida teaches selecting a radio frequency saved in a nonvolatile memory, Yoshida does not teach such operation of selecting the radio frequency saved in said nonvolatile memory as a first candidate when said apparatus starts up. At least based on the teachings of the computer-generated translation of Yoshida, Yoshida does not even discuss the operations of the narrow band communication vehicle mounted apparatus when said apparatus starts up. Therefore, at least based on the foregoing, Applicant submits that independent claim 2 is patentably distinguishable over Yoshida.

Finally, Applicants add new claims 3 and 4, as indicated herein, to provide a varying scope of coverage. Applicant submits that these two new claims are patentable at least by virtue of their dependency from independent claim 1.

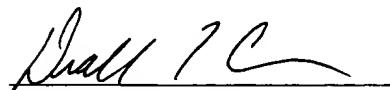
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/931,581

ATTORNEY DOCKET NO. Q65636

Respectfully submitted,



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